

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HAROLD B. MURPHY,  
CHAPTER 11 TRUSTEE OF  
NEW ENGLAND CONFECTIONERY  
COMPANY, INC.,

Plaintiff,

v.

ACAS, LLC,  
ARES CAPITAL CORPORATION,  
ARES MANAGEMENT LLC,  
ARES MANAGEMENT L.P.,  
ARES CAPITAL MANAGEMENT LLC,  
MICHAEL MCGEE, MYUNG YI,  
ANUJ KHANNA, GORDON O'BRIEN,  
STEPHEN CHEHI, DANIEL KATZ,  
DOUGLAS WEEKES, AND DAVID EATON,

Defendants.

CIVIL ACTION  
NO. 18-11884-WGY

YOUNG, D.J.

January 16, 2019

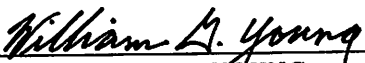
**ORDER**

After filing a motion to refer this case to the United States Bankruptcy Court for the District of Massachusetts under Local Rule 201, ECF No. 20, the Defendants flip-flopped and now request this Court to withdraw the reference of the related adversary complaint pending in the Bankruptcy Court per 28 U.S.C. § 157(d), ECF Nos. 54, 55. Their about-face comes too late, however, as the Court wished to know at the January 8, 2019 status conference the parties' position on the correct

forum, Tr. 12:13-30, 20:17-25, 21:3-13, ECF No. 52, and the Bankruptcy Court has already heard the Defendants' motion to dismiss the adversary complaint, Proceeding Mem. 1, Murphy v. ACAS, LLC (In re New England Confectionery Co.), Ch. 11 Case No. 18-11217, Adv. No. 18-1140, ECF No. 36.

Consequently, the Court GRANTS the motion to refer the case to the Bankruptcy Court, ECF No. 20, and ORDERS the case administratively closed.

**SO ORDERED.**

  
WILLIAM G. YOUNG  
DISTRICT JUDGE